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WASHINGTON, DC 20006

In re Application of :
V. A. Koulchin et al :
Serial No.: 09/518,165 : PETITION DECISION
Filed: March 1, 2000 :
Attorney Docket No.: :

This is in response to the petition under 37 CFR 1.181, filed April 15, 2005, requesting withdrawal of abandonment based on timely filing of a reply.

A review of the file history shows that the examiner mailed a Final Office action to applicants on December 11, 2003, setting a three month shortened statutory period for reply. Applicants filed a reply on March 11, 2004, including a request and fee for a one month extension of time, and a Notice of Appeal with the appropriate fee. The response has never been addressed by the examiner. On September 20, 2004, applicants filed an Appeal Brief and, believing the Brief to be untimely and the application unintentionally abandoned, a petition for revival under 37 CFR 1.137(b). The petition was dismissed as moot inasmuch as a five month extension of time was available to applicants at the time the Appeal Brief was filed. The extension of time was granted and the fee assessed by the Office of Petitions. The petition decision was mailed November 4, 2004, and the application returned to the Technology Center for further action.

On March 24, 2005, the examiner mailed a Notice of Abandonment to applicants stating that the Brief was not timely filed and there were no allowed claims. This statement is in direct contradiction to the petition decision stating that the Brief had been timely filed.


In view of the previous petition decision the Notice of Abandonment is found to have been mailed in error and is withdrawn and the application restored to pending status with the mailing of this decision.

The petition is **GRANTED**.

The application will be forwarded to the examiner for preparation of the Examiner's Answer or other action, as appropriate.

As there is no fee for this petition the Petition Fee paid of \$400.00 will be credited to applicants' Deposit Account No. 19-1027, as directed.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number 571-273-8300.

A handwritten signature in cursive script, reading "George C. Elliott".

George C. Elliott
Director, Technology Center 1600